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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,693	06/16/2005	Michael Haacke	DE 020331	6552

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
WILLIAMS, JOSEPH L	
ART UNIT	**PAPER NUMBER**
2879	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,693	HAACKE ET AL.	
	Examiner	Art Unit	
	Joseph L. Williams	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/16/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansler et al. (US 4,935,668).

Regarding claim 1, Hansler ('668) teaches in figure 5 and the corresponding column and lines numbers, a high-pressure gas discharge lamp (16) with an asymmetrical discharge space (no number) and/or an asymmetrical discharge vessel (46), wherein the discharge space has a volume which is reduced by a given first factor in comparison with the volume of the discharge space of known mercury-containing discharge lamps, and wherein an obscuration of portions of the luminous discharge arc and/or of portions of the electrodes (30-32) by light-generating substances not

evaporated in the operational state is prevented in that the quantity of the light-generating substances in the discharge space is reduced by a second factor which is determined in dependence on the value of the first factor and on the distance, defined by the asymmetry, of the electrodes (30-32) to a bottom surface that is lowermost in the operational position of the lamp.

Regarding claim 2, Hansler ('668) teaches the discharge space does not contain mercury (see column 5, lines 38-41).

Regarding claim 3, Hansler ('668) teaches the volume of the discharge space is approximately 18 micro-liter (see column 5 lines 3-25).

Regarding claim 6, Hansler ('668) teaches the discharge space contains a rare gas.

Regarding claim 7, Hansler ('668) teaches the rare gas is xenon with a xenon cold pressure of between approximately 8 bar and approximately 20 bar, in particular between approximately 10 bar and approximately 15 bar (read2-15 atmospheres).

Regarding claim 8, Hansler ('668) teaches a high-pressure gas discharge lamp as claimed in claim 1.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Haacke et al. (US 6,815,889)

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Haacke ('889) teaches in figure 1A and the corresponding column and lines numbers, a high-pressure gas discharge lamp (1) with an asymmetrical discharge space (2) and/or an asymmetrical discharge vessel (12), wherein the discharge space (2) has a volume which is reduced by a given first factor in comparison with the volume of the discharge space of known mercury-containing discharge lamps, and wherein an obscuration of portions of the luminous discharge arc (6) and/or of portions of the electrodes (3) by light-generating substances not evaporated in the operational state is prevented in that the quantity of the light-generating substances in the discharge space (2) is reduced by a second factor which is determined in dependence on the value of the first factor and on the distance, defined by the asymmetry, of the electrodes (3) to a bottom surface (10, 11) that is lowermost in the operational position of the lamp.

Regarding claim 2, Haacke ('889) teaches the discharge space (2) does not contain mercury (see abstract "free from mercury").

Regarding claim 3, Haacke ('889) teaches the volume of the discharge space (2) is approximately 18 micro-liter (see column 8 lines 5-6).

Regarding claim 4, Haacke ('889) teaches the quantity of light-generating substances is approximately 200 micro-grams (read "approximately 300 micro-grams").

Regarding claim 5, Haacke ('889) teaches the bottom surface comprises a first portion (10), which is raised by approximately 1 mm with respect to a surrounding second portion (11) (read "approximately 0.5 mm").

Regarding claim 6, Haacke ('889) teaches the discharge space (2) contains a rare gas.

Regarding claim 7, Haacke ('889) teaches the rare gas is xenon with a xenon cold pressure of between approximately 8 bar and approximately 20 bar, in particular between approximately 10 bar and approximately 15 bar (read 620 mbar or 6.2 bar).

Regarding claim 8, Haackje ('889) teaches a high-pressure gas discharge lamp as claimed in claim 1.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph L. Williams
Primary Examiner
Art Unit 2879